

SERVICE DATE - JUNE 20, 2000

SURFACE TRANSPORTATION BOARD

DECISION

Finance Docket No. 30000 (Sub-No. 16)

ST. LOUIS SOUTHWESTERN RAILWAY CO.—TRACKAGE RIGHTS OVER
MISSOURI PACIFIC RAILROAD COMPANY—KANSAS CITY TO ST. LOUIS

Decided: June 15, 2000

On June 22, 1994, Save the Rock Island Committee, Inc. (STRICT),¹ filed a petition to reopen the decision in St. Louis Southwestern Railway Co.—Trackage Rights Over Missouri Pacific Railroad Co.—Kansas City to St. Louis, Finance Docket No. 30000 (Sub-No. 16) (SSW Trackage Rights). That decision was embraced in the merger decision in Union Pacific—Control—Missouri Pacific; Western Pacific, 366 I.C.C.2d 409, 578-88 (1982) (UP-MP). In SSW Trackage Rights, the Interstate Commerce Commission (ICC) granted the former St. Louis Southwestern Railway Company (SSW) parallel trackage rights between Kansas City and St. Louis, MO, over the former Missouri Pacific Railroad Company, as a condition of the UP-MP merger.

STRICT's petition was filed in connection with the proposed abandonment at issue in The St. Louis Southwestern Railway Company—Abandonment Exemption—In Gasconade, Maries, Osage, Miller, Cole, Morgan, Benton, Pettis, Henry, Johnson, Cass, and Jackson Counties, MO, Docket No. AB-39 (Sub-No. 18X) (SSW Abandonment),² and the complaint filed

¹ STRICT, an organization of local shippers and other parties, was formed to work for the restoration of service over the Kansas City-St. Louis, MO line that belonged to the former Chicago, Rock Island and Pacific Railroad Company (Rock Island).

² In SSW Abandonment, a notice of exemption was served and published at 58 FR 59278 on November 8, 1993, under 49 CFR 1152 Subpart F, an expedited procedure for carriers to abandon rail lines that have failed to generate or receive any traffic in at least 2 years. In the notice of exemption, SSW sought to abandon 196.7 miles of the Rock Island Kansas City-St. Louis line between milepost 288.3 at Leeds Junction and milepost 91.6 at Owensville, MO. The ICC, in a decision served on April 1, 1994, determined that the line did not qualify for the expedited procedure, vacated the notice of exemption, and converted the proceeding into one that would treat the proposed abandonment as a petition for an exemption.

SSW, a subsidiary of the former Southern Pacific Transportation Company (SP), had acquired the Kansas City-St. Louis line in 1980 as part of the purchase of the longer Rock Island
(continued...)

by STRICT and MFA Incorporated (MFA)³ in Save the Rock Island Committee, Inc. v. The St. Louis Southwestern Railway Company, No. 41195 (STRICT v. SSW).⁴

At the request of STRICT and MFA, SSW Abandonment and the complaints in STRICT v. SSW are being dismissed. Because the petition to reopen in SSW Trackage Rights has the same underlying purpose as the complaints in STRICT v. SSW, it will also be dismissed as moot in a decision served contemporaneously with the decision dismissing SSW Abandonment and the complaints in STRICT v. SSW.

This action will not significantly affect either the quality of the human environment or the conservation of energy resources.

It is ordered:

1. The petition to reopen is dismissed.

²(...continued)

line between Santa Rosa, NM, and St. Louis. See St. Louis S.W. Ry.—Pur.—Rock Island (Tucumcari), 363 I.C.C. 320 (1980). SP and its subsidiaries were subsequently merged into Union Pacific Railroad Company. See Union Pacific/Southern Pacific Merger, 1 S.T.B. 233 (1996).

³ MFA is a farmer-owned cooperative association and agricultural services company with facilities on the Rock Island Kansas City-St. Louis line.

⁴ The complaint in STRICT v. SSW was filed at the same time as the petition to reopen in SSW Trackage Rights. In the complaint, STRICT and MFA requested that SSW be directed to rehabilitate, and restore service over, the entire Kansas City-St. Louis line that SSW had acquired from Rock Island. STRICT v. SSW was bifurcated into two cases, Docket No. 41195 and Docket No. 41195 (Sub-No. 1). Docket No. 41195 concerned the inactive track at issue in SSW Abandonment. SSW had embargoed the track after acquiring the parallel trackage rights granted in SSW Trackage Rights. Docket No. 41195 (Sub-No. 1) concerned the active remainder of the Kansas City-St. Louis line.

2. This decision is effective on its service date.

By the Board, Chairman Morgan, Vice Chairman Burkes, and Commissioner Clyburn.

Vernon A. Williams
Secretary